

WC 09-224

DOCKET FILE COPY ORIGINAL

Received & Inspected

DEC - 3 2009

FCC Mail Room

2009 DEC - 3 P 2:54

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of )  
 )  
Section 63.71 Application of )  
Cypress Communications Operating Company, LLC )

**SECTION 63.71 APPLICATION**

Cypress Communications Operating Company LLC ("Cypress" or "Applicant") hereby seeks authorization pursuant to Section 214(a) of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 214, and Section 63.71 of the Commission's Rules, 47 C.F.R. § 63.71, to discontinue its provision of domestic telecommunications services – namely, voice and data services – to thirty-three (33) customers in Philadelphia, Pennsylvania.

Cypress is a leading provider of bundled telecommunications services to small and medium-sized businesses located in multi-tenant commercial office buildings in major metropolitan markets in the U.S. Specifically, Cypress offers its customers integrated service bundles that include local, long distance, and international telecommunications services; high-speed Internet connectivity; e-mail services; fully-managed firewall services; web hosting; virtual private networks; feature-rich digital desktop stations; calling cards; audio and web conferencing; and digital business television. Cypress is authorized to provide regulated telecommunications services in 29 states and the District of Columbia. Cypress is also authorized by the Federal Communications Commission to provide both interstate and international telecommunications services.

In an effort to maintain its operating network in the most efficient manner possible, Cypress has identified two (2) customer sites at which its services will be discontinued. Revenue has been declining at these service locations for some time. The proposed discontinuance will not result in harm to the affected customers because these customers will have the opportunity to select another telecommunications provider for their telecommunications needs. Moreover, numerous CLECs and ILEC(s) in their area will continue to offer them some or all of the services which they have been receiving from Cypress.

The Applicant provides the following information pursuant to Section 63.71 of the Commission's Rules:

1. Name and Address of the Carrier: Cypress Communications Operating Company, LLC is located at 4 Piedmont Center, Suite 600, 3565 Piedmont Road, Atlanta, GA 30305.
2. Date of Planned Service Discontinuance, Reduction or Impairment: The Applicant plans to discontinue local telephone service, including voice and data services, to the affected customers in the states listed above on February 2, 2010, or as soon thereafter as any necessary regulatory approvals are obtained. Applicant understands that this application will be automatically granted on the 31<sup>st</sup> day after public notice of filing unless the Commission notifies the Applicant to the contrary.
3. Points of Geographic Areas of Service Affected: Applicant proposes to discontinue the provision of local telephone service, including voice and data services, to the affected customers in the state of Pennsylvania.

4. Brief Description of Type of Service Affected: The telecommunications services received by the affected customers include the provision of local telephone service, including voice and data services.

5. Brief Description of the Dates and Methods of Notice to All Affected Customers: On December 1, 2009, Cypress provided written customer notice by first-class mail in accordance with the requirements of Section 63.71(a) of the Commission's Rules, informing its customers of the projected February 2, 2010 disconnect date. A sample copy of this notice to customers is appended hereto as *Exhibit A*.

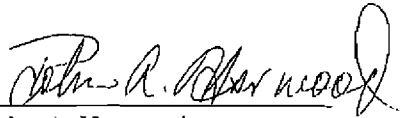
6. Whether the Carrier is Considered Dominant or Non-dominant with Respect to the Service to be Discontinued, Reduced or Impaired: Applicant is considered non-dominant with respect to the affected services.

In accordance with Section 63.71 of the Commission's Rules, a copy of this Application is being mailed to the Governor and public services commission of the state of Pennsylvania and to the Special Assistant for Telecommunications for the Secretary of Defense, concurrent with the filing of this application.

Additional questions regarding this application may be addressed to the undersigned.

Respectfully submitted,

CYPRESS COMMUNICATIONS OPERATING COMPANY, LLC

By: 

John A. Harwood  
Vice President and General Counsel  
Cypress Communications  
4 Piedmont Center, Suite 600  
3565 Piedmont Road  
Atlanta, Georgia 30305  
Tel: (404) 442-0169  
jharwood@cypresscom.net

Dated: December 2, 2009

**Exhibit A**

Cypress Communications Operating Company, LLC  
Section 63.71 Application



Via Certified Mail, Return Receipt Requested

**“Important Notice, Loss of Local Telephone Service”**

December 1, 2009

Don Burns  
Account #P11000382  
7 N. Columbus Boulevard  
Suite 111  
Philadelphia, PA 19106

Dear Mr. Burns:

This is an important notice about the loss of your local telephone service. This will serve as formal notification that Cypress Communications, Inc. (“Cypress”) is preparing to discontinue all services at 7 N. Columbus Boulevard, Suite 111, Philadelphia, PA 19106. At this time, Cypress provides you with local telephone service including voice and data services. As of February 2, 2010, Cypress will no longer provide your local telephone service and you must take action. To prevent the loss of your local telephone service, you must select another local telephone service provider on or before January 22, 2010. If you act by this date, there will be enough time for the new local service provider you choose to start your new service before your current service ends. We fully understand the inconvenience this may cause you. Please know that we did not make this decision lightly.

It has been our experience that a complete transition to new service provider(s) including ordering local telephone lines, the purchase or lease of telephone equipment, or the ordering of Internet access services, may take 30 days. Therefore, we encourage you to immediately begin your transition plans at this time. Please remember that customers may choose the provider of their local telephone service. You may select any company that is offering service in your area. There is information regarding alternative telephone service providers available in your telephone directory yellow pages under the heading “telephone service providers” or in the front of the directory labeled “other local phone companies”. All services must be transitioned by February 2, 2010. As a valued customer, we want to do everything within reason to help you accomplish a smooth transition to alternative service providers of your choice.

*Please take a moment to review and sign the attached form  
and return via fax to (404) 812-7882 by February 2, 2010.*

Pursuant to FCC regulations, we are required to include the following statement:

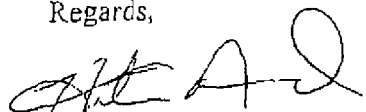
The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the Sec. 63.71 Application of Cypress Communications Operating

Company. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service

If you have any questions, need more information or have problems with changing your services, contact me at (404) 442-0749 or toll-free at 888-528-1788.

Again, we regret any inconvenience this may cause you. Thank you for your prompt attention to this matter.

Regards,

A handwritten signature in dark ink, appearing to read 'Hunter Axelrod'.

Hunter Axelrod  
Network Planning

CC: Amy Nawrocki  
Mark Langkan

*PLEASE REPLY BY February 2, 2010.*

TO: Cypress Terminations
FAX: (404) 812-7837
FROM: Don Burns Account #P11000382 7 N. Columbus Boulevard Suite 111 Philadelphia, PA 19106
DATE:

I understand that effective February 2, 2010, Cypress Communications, Inc. will no longer provide services at The Piers 5 Building, Account #P11000382, 7 N. Columbus Boulevard, Suite 111, Philadelphia, PA 19106, and that it is my responsibility to ensure that my company's services are transferred to an alternate service provider in order to avoid a service interruption.

If I move my services prior to the termination date, I understand that it is my responsibility to notify [terminations@cypresscom.net](mailto:terminations@cypresscom.net) to ensure that my account is closed properly. Failure to do so could result in my being billed through February 2, 2010.

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Phone/ email

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date